

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 11/25/2014	(3) CONTACT/PHONE Murry Wilson, Environmental Resource Specialist / (805) 788-2352	
(4) SUBJECT Hearing to consider a resolution setting forth a determination of established vested right(s) at the Whale Rock Pit / Cayucos Pit – CA Mine ID#91-40-0010; located at 1424 Old Creek Road, east of the community of Cayucos, including the scope and nature of surface mining activities included within the established vested right(s). Hearing continued from October 21, 2014, it is recommended that the hearing be continued to February 10, 2015. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board continue the hearing to the February 10, 2015 Board hearing.			
(6) FUNDING SOURCE(S) Current Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation {X} Hearing (Time Est. <u>5 minutes</u>) { } Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS { } Resolutions { } Contracts { } Ordinances {X} N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5 Vote Required {X} N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { } N/A Date: <u>June 17, 2014 and October 21, 2014</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 2			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Murry Wilson, Environmental Resource Specialist

VIA: Ellen Carroll, Planning Manager / Environmental Coordinator

DATE: 11/25/2014

SUBJECT: Hearing to consider a resolution setting forth a determination of established vested right(s) at the Whale Rock Pit / Cayucos Pit – CA Mine ID#91-40-0010; located at 1424 Old Creek Road, east of the community of Cayucos, including the scope and nature of surface mining activities included within the established vested right(s). Hearing continued from October 21, 2014, it is recommended that the hearing be continued to February 10, 2015. District 2.

RECOMMENDATION

It is recommended that the Board continue the hearing to the February 10, 2015 Board hearing.

DISCUSSION

At the June 17, 2014 Board of Supervisors Hearing, the Board continued this item to allow Staff and the Operator to exchange information related to the extent of vested rights and to allow further discussion about the extent of vested right(s). Specifically the Board suggested that the Staff and the Operator engage in discussions regarding the interpretation of the Hansen Brothers case which sets the legal standard for determining vested right(s).

At the October 21, 2014 hearing, Staff recommended that the item be continued to November 25, 2014 to allow continued discussions with the Operator in an attempt to resolve differences regarding the extent of vested mining rights. At this time, Staff and the Operator have reached agreement on a majority of the issues that are subject to the vested rights determination and are hopeful that we can resolve the remaining items prior to appearing before your Board. It is recommended that the hearing be continued to February 10, 2015. The applicant agrees with this continuance request.

OTHER AGENCY INVOLVEMENT/IMPACT

Other agencies and county departments involved in this project include (but are not limited to):

- County Public Works
- County Counsel

FINANCIAL CONSIDERATIONS

This Vested Rights Hearing was directed by a Stipulated Judgment from the Superior Court (Case Number: CV 130157) and no fees were paid associated with this hearing. Staff costs associated with the vested rights determination is covered by the Planning and Building Department General Fund allocation. This is consistent with communitywide results of a safe community, a prosperous community, a healthy community and a livable community.

RESULTS

A continuance of the hearing would allow for additional time in order for the Operator and Staff to resolve the boundary of vested mining right(s) as discussed at the June 17, 2014 hearing. This action would be consistent with the countywide goals of providing a livable and well-governed community.